

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

74-CR-73

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. 1. Nicholas P. Westervelt and 2. Michael Anthony Polotto, <div style="text-align: right;">Defendants.</div>	For U. S.: Ben F. Baker Asst. U.S. Attorney For Defendant: Fred Boss (appt-Westervelt) 3747 S. Harvard Tulsa, OK 74135 (747-8031) James Fransein (ret-Polotto) Petroleum Club Bldg. Tulsa, OK 74103 (583-1338)
<u>Address for Defts. on bond:</u> Westervelt 2405 North Main Owasso, OK 74055 272-3831	Polotto 1011 N. 99th E. Ave. Tulsa 74116 (836-3819)

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 7-1-74	Clerk				
J.S. 3 mailed WESTERVELT 7-1-74	Marshal				
Reopen-Polotto 11-1-74 Violation Possession with intent to distribute. Title 21	Final closing of Polotto 12-1-74 Docket fee				
Sec. 841					

(1 Ct.: \$15,000 &/or 5 Yrs.)

DATE	PROCEEDINGS
6-13-74	Indictment, filed in open court. v
6-13-74	Record vote of the Grand Jury, filed in open court. v
6-14-74	Magistrate papers added to file. v
5-30-74	Appearance Bond of Deft. <u>Westervelt</u> in the amount of \$5,000.00, personal, filed with Order Specifying Methods and Conditions of Release. (MLB-USMag)v
6-6-74	Bond of Polotto in amt. of \$5,000 surety & Order specifying, filed. hm
6-14-74	Ordered by the Court that this case is set for Arraignment on Tuesday, June 18, 1974, at 10:00 A.M. (AEB-J)v -notices mailed.
6-18-74	Case called for arraignment and plea as to Deft. Polotto. Deft. present and represented; govt. represented. Deft. acknowledges receipt of Indictment. Deft. enters a plea of NOT GUILTY as to the two counts, and the case is hereby set for the next jury trial docket on July 22, 1974. the Deft. is given 10 days to file any and all motions. \$5,000 bond is exonerated and bond is reduced to a \$1,000 signature bond. (AEB-J)s

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	<p>as to Deft. Westervelt. case is called for arraignment and plea Deft/ present and represented; govt. represented. Deft. acknowledges receipt of Indictment. Indictment read. Deft. enters a plea of GUILTY after arraignment. and it is adjudged by the court that the Deft. is guilty as charged. Pre-sentence report is required by the Court. Sentence is passed to June 26, 1974. Waiver of Jury Signed and filed in open court. (AEB-J)s</p>
6-26-74	<p>Case called for Sentence as to Deft. Westervelt. Deft. present and represented; govt. represented. Deft. and Counsel are asked if they care to say anything before sentence is passed. Judgement and Sentence-NICHOLAS P. WESTERVELT The imposition of sentence is hereby suspended and the deft. is placed on probation for a period of Two (2) years under the provisions of the Youth Correction Act, T. 18, U.S.C.A. 5010(a), and the conditions of probation are that the deft. stay employed and return to his home in Montana. (AEB-J)s</p>
6-26-74	Judgment and Order of Probation, filed and entered. Two c/c to U.S.P.s
7-1-74	Case set for change of plea as to defendant Michael Polotto. Change of plea set for July 10, 1974 at 10:00 A.M. (AEB-J)s
7-10-74	Case called for change of plea. Deft. present & represented; Govt. represented. Deft. withdraws plea of NOT GUILTY and enters plea of GUILTY. Waiver of jury signed and filed in open court. Deft. adjudged GUILTY as charged. Sentence set ; 7-23-74, at 10:00 a.m. Bond continued. (AEB-J)b
7-12-74	Motion of Craig Blackstock, ct. appt. counsel at magistrate level, to with- draw as atty. for def. POLOTTO in that def. has retained counsel, J. Fransein, filed. rm 048
7-16-74	Order Allowing Withdrawal of Craig Blackstock as counsel for deft., Polotto, filed. (AEB-J) copies mailed. b
7-23-74	Case called for sentence as to deft. Polotto. Deft. present and repre- sented; govt. represented. Deft. and counsel asked if they have anything to say before sentence is pronounced. Deft. advised of mandatory two-year parole sentence. Deft. states he does not want to change plea. Judgment and Sentence - MICHAEL ANTHONY POLOTTO Atty. Gen. - For treatment and supervision until discharged by the YCA as provided by T. 18, USC Sec. 5010(b), to run concurrent with sentence imposed in 74-CK-72 It is ORDERED that the Court be furnished a report on the status of the deft. within 90 days. (AEB-J)hm
7-23-74	Judgment and Commitment, filed and entered. (AEB-J)hm
7-23-74	Two c/c of J&C delivered to USM. hm
8-12-74	Return on J&C of Deft. Polotto, filed. Executed by delivering Deft. on 8-7-74 to Fed. Reformatory at El Reno, OK. v
8-21-74	Order, filed, correcting sentence of 7-23-74 for study of Michael Anthony Polotto pursuant to 18 U.S.C. 5010(e), and extending time to conduct the 5010(e) study to 10-31-74. (AEB-J)g cpy to US Atty, USM, Institution and counsel.
11-7-74	Order, filed, directing Clerk to disburse \$150.00 on deposit in Registry of Court to deft. Nicholas P. Westervelt. (AEB-J)hm (copy mailed Westervelt)
11-11-74	Case set for definitive sentence on 11-19-74 at 10:00 a.m. as to deft. Polotto. (AEB-J)hm

D. C. 109A
CRIMINAL DOCKET

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PROCEEDINGS

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11-19-74	Polotto Case called for definitive sentence. Deft. present & represented. Govt. represented. Deft. & counsel asked if they have anything to say before sentence is pronounced. Deft. Polotto Judgment & Sentence/- Imposition of sentence is suspended and Deft. is placed on Probation for a period of two (2) years from this date, pursuant to the Fed. YCA, T. 18, USCA, 5010(a), conditions of probation being that (1) Deft. attend a rehabilitation center in State of Washington, (2) do not associate with drug users or use drugs. The sentence imposed in this case shall run concurrently with sentence imposed in case 74-CR-72.(AEB-J) b
11-19-74	Judgment & O of Prob. filed and entered.(AEB-J)b
11-19-74	Two c/c delivered to Probation. b
1-9-76	Certificate of Vacation of Conviction, filed. (AEB-J)tc
1-9-76	Order of Discharge from Probation, filed.(AEB-J)tc

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